

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

RICHARD D. LONG,

Case No. 3:23-cv-1325-AR

Plaintiff,

ORDER

v.

3M COMPANY, *et al.*,

Defendants.

ARMISTEAD, Magistrate Judge

On July 11, 2023, plaintiff Richard Long filed this action against 51 named defendants in Multnomah County Circuit Court. (ECF No. 1-1 at 1-5.) Defendant Foster Wheeler Energy Corporation removed the case to this court on September 12, 2023, based on federal officer jurisdiction under 18 U.S.C. §§ 1331, 1442(a)(1), and 1446. (Notice of Removal at 1, ECF No.

1.) The court issues this order to address various procedural matters.

SCHEDULING

The parties have proposed that the court schedule discovery deadlines relative to the trial date (for example, they propose that fact discovery close 135 days before trial). (Joint Status Report at 4, ECF No. 94.) Long proposes a trial date in September 2024 and defendants propose a trial date in November 2024. Because the parties have not consented to magistrate jurisdiction under 28 U.S.C. § 636(c)(1), however, the court is unable to schedule a trial date. For the purpose of setting discovery deadlines, the court will assume that trial will begin on October 15, 2024, and will use that date to set deadlines in accordance with the parties' joint proposal.

The court therefore sets the following schedule: the parties must provide their initial disclosures by November 8, 2023; fact discovery is to be completed by June 12, 2024; Long is to provide expert reports to defendants by July 2, 2024; defendants are to provide expert reports by July 17, 2024; the parties are to exchange rebuttal expert reports by August 1, 2024; expert discovery is to be completed by August 16, 2024; and dispositive motions are due by August 30, 2024.

APPEARANCE OF COUNSEL

Attorneys must be admitted under Local Rule 83-1 to practice in the district court for the District of Oregon. All attorneys who are not admitted to practice in this court are directed to file a motion to appear *pro hac vice*. Attorneys appearing *pro hac vice* are required to associate with local counsel. LR 83-3(a)(1). Local counsel must “meaningfully participate in the preparation and trial of the case.” *Id.*

Additionally, attorneys who wish to be added to the case docket as attorney of record for notification purposes must file a Notice of Appearance. LR 83-9.

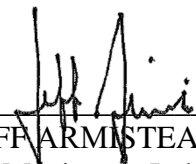
DISCOVERY DISPUTES

The court prefers to resolve discovery matters informally. If the parties have a discovery dispute, they must request a conference with the court before moving for an order relating to discovery.¹

MOTION TO REMAND

On October 11, 2023, Long filed a motion to remand this case to Multnomah County Circuit Court. (ECF No. 84.) Foster Wheeler filed a response in opposition on October 25. (ECF No. 92.) Long's reply is due by November 1, 2023. The court will hold oral argument on the motion to remand on January 8, 2024, at 1:00 PM in Portland Courtroom 9B, and will take the motion under advisement on that date.

DATED: November 1, 2023.



JEFF ARMISTEAD
United States Magistrate Judge

¹ Further instructions are available at <https://www.ord.uscourts.gov/index.php/court-info/our-judges/judge-armistead>.